

2nd Testimony Regarding ICON's Proposed Development:
SUB-20-01 Presented to the West Linn Planning Commissioners
October 7th, 2020

Written by: Pam Yokubaitis, MPH, RHIA, FAHIMA
BHT NA Secretary & Hidden Creek Estates Subdivision
Representative

Below is a listing of comments about the **City's Staff report**, for the proposed Development at 4096 Cornwall Street in West Linn.

1. Report Name: WL Staff Report, page 5, #10 Building Sites: Not *just* the building sites exceeding 25% slopes should require geotechnical conformation. **THE ENTIRE PROPERTY** at 4096 Cornwall Street must be hydrologically and geologically reevaluated to determine *if* this land is buildable, and *where* on this land houses can be "safely built". Bill House's new geology report sheds light about the questionable integrity of this land and its 2 major hazards. Significant geotechnical work *must* be completed *first* to identify where it is safe to build on this property, and only *then* should a plat map be drafted. **NO CURRENT GEOTECHNICAL REPORT EXISTS WITH IN-DEPTH ANALYSIS INDICATING IF THIS LAND IS SAFE TO BUILD UPON.**
2. Report Name: WL Staff Report, page 5, #5, Utilities, minor: The term stormwater "facilities" is not explained; are these shed like structures on the property or underground water holding structures? This was not explained at the NA meeting. Visible eyesores are not wanted by Fairhaven Drive residents, like the past retention pond idea.
3. Report Name: WL Staff Report, page 8, #1, Traffic Impact Analysis: ICON's ARD report states IF there is a Landis/ Cornwall Street connection, over 400+ cars/day will travel on these 2 roads. Ed Turkisher claims *more* than this volume of

traffic would pass through. These projections justify the need for a traffic impact analysis, especially since the intersection of Cornwall Street, Summit Street and Sunset will have to be completely re-designed if road connectivity occurs (read Ed's testimony). Furthermore, reference to Landis/Cornwall Street connectivity is *unwanted* by all "affected" local residents on Cornwall Street, Landis Street and Fairhaven Drive. There is a shorter and more cost effective alternative, directly from Sunset to Stonegate Bridge, and there is NO NECESSITY for this connection at this time. There is substantial historical and current testimony citing safety issues, traffic constraints, etc., clearly justifying the hazards of connectivity. **CITIZENS FIRST!**

4. Report Name: WL Staff Report, page 10, C, Again, Street connectivity of Landis and Cornwall IS NOT what the surrounding homeowners want. A 65+ signature petition was presented at ICON's pre-app meeting indicating NO CONNECTIVITY. Furthermore, Patrick Noe's June 1, 2017 testimony included resident's signatures against connectivity, making this *clear* at the VERY FIRST Planning Commissioner's hearing.
5. Report Name: WL Staff Report, page 11, Staff Finding 15: All references to homes on lots at 4096 Cornwall Street is irrelevant at this time UNTIL this parcel of land is deemed buildable with a detailed hydrogeological report indicating WHERE construction can safely occur on this property. With a new geology report introduced as testimony today about this land, the proposed plat map may no longer be suitable due to hazardous areas under multiple homes. This is putting the horse before the cart. There is no point in reviewing a plat map which may need to be completely redesigned due to known geological hazards on this lot, so more extensive work must be done first, to prove this land is buildable.
6. Report Name: WL Staff Report, page 14, Staff Finding 23: Until an in-depth geotechnical report addresses the integrity of

this land to be built upon, *and* the dismissal of road connectivity is agreed to, only then should a new plat map be designed to determine what trees can stay or must go, where the road and homes will be, etc.

7. Report Name: WL Staff Report, page 17, Staff Finding 30: A cul-de-sac was originally planned for this parcel of land as Phase 2 of Stonegate. Reconsideration of a variance to allow this should be re-explored, only *after* the integrity of the land is deemed safe to built on.
8. Report Name: WL Staff Report, page 19, Staff Finding 33: Again, street connectivity of Landis to Cornwall IS NOT WHAT THE RESIDENTS WANT. This was made vey clear at the start in 2017, and again recently with 65+ signatures from 5 surrounding subdivisions.
9. Report Name: WL Staff Report, page 23, Staff Finding 44, and pg 25, #9 Heritage trees/significant tree and cluster protection. The link below explains what a lined rain garden is. <https://www.3riverswetweather.org/green/green-solution-rain-garden>. It sounds like the excess ground water in heavy rain will end up in the drainage. Icon calls it a "natural drainage way". So, is it a pipe (not natural) or a gully? How close is it to the end of the properties by the old oak trees along the fence, and how will their roots be protected? Where does it flow into? Cornwall Creek and ultimately Tanner Creek? It would seem that their circumference should be measured once the 27 have been identified; so depending on the size of them, wouldn't over a hundred 4" trees be required to be replanted? Also, what kind of trees would be planted in the areas with springs? Weeping willows? With all the trees getting cut as well as the blackberries which absorb water too, how will all the water during heavy rains will be caught when it runs down the hill? And without the tree roots left in the soil, how do you prevent landslides with this major alteration to the land? A more in

depth and all encompassing explanation is needed to address these issues and to make this self explanatory.

10. Report Name: WL Staff Report, page 26, Staff Finding 53: This property DOES contain “very wet land” as evidenced by numerous photos of water draining between residents properties, ponding at then bottom of the slope, bubbling springs, soggy mud, reed grass, etc. Bill House’s geology report proves there are 2 large bodies of water underneath this property with landslide potential. Until an in depth hydrological and geotechnical report of this land is completed by Professional Engineers (whose reputation and career is at stake for misrepresentation and errors), we really don’t know if this land is safely buildable because this is constrained land. It is not in West Linn’s best interest to proceed with this proposed development until the integrity of this property is first deemed buildable by experts.

SUMMARY OF STAFF FINDINGS: Both historical and current testimony from the 5 subdivisions surrounding 4096 Cornwall Street indicates 1) the residents have *repeatedly* requested the need for an IN DEPTH geotechnical hydrogeologist PE (Professional Engineer) analysis of this land, and 2) *repeatedly* voiced strong opposition to street connectivity and traffic concerns. The residents have extensively explained and provided photographs of this constrained land with obvious symptoms of water and land slide hazards. **Without an in-depth geotechnical analysis of this property, the proposed development as presented can not be ruled on with any confidence at this time because we still don’t know if and where this constrained land is safe to build on with its 2 major, natural hazards.** Only then might we be able to amend this proposed plan, or perhaps a new plat map design may be necessary, but until expert geotechnical analysis is understood, we can’t make intelligent decisions about building on 4096 Cornwall Street.

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Below is a listing of comments about **ICON's application**, for the proposed Development at 4096 Cornwall Street, West Linn

My comments and Summary noted in the City's Staff report also applies to ICON's application documentation because both parties address the same subjects (although from different perspectives). Since my responses to ICON on then same topic would mirror what was already written in the City's staff report (and vice versa), to avoid redundancy, I am responding here to different topics and key issues noted in ICON's application.

1. Report Name: Willow Ridge Tentative Plan Plat Map, page 54. Because here is no Landis/Cornwall connectivity in this plan, the residents clearly prefer this option. However, this plat map leaves the door open for connectivity in the future, so we would need a design that shows permanency of no future connectivity between Landis & Cornwall Streets, except for perhaps emergency reasons.
2. Report Name: Willow Ridge Plan B- Alternative Plan Plat Map, page 55. This plan was previously denied because there're wasn't enough land to build the road to due the cliff and required 90 degree turn. Also encroachment on private property was necessary, so it's puzzling why this option would be resubmitted again.

3. Report Name: Willow Ridge Subdivision Application: #13
Grades and Curves, page 60: “The centerline radius of Landis Street where it bends back to connect with Cornwall Street is tighter than typically allowed, but this radius was agreed to by the City Engineer in order to allow for the connection to be made.” This statement contradicts the denial ruling made by the WL Planning Commissioner’s and is a public safety issue!
4. Cornwall Street is tighter than typically allowed, but this radius was agreed to by the City Engineer in
5. order to allow for the connection to be made.
6. Report Name: Willow Ridge Subdivision Application, #11, page 59: Further exploration and discussion about the use of a cul-de-sac should be explored again, as this might be the best option for this constrained land.
7. Report Name: ARD Engineering, page 105: This report confirms that road connectivity of Landis and Cornwall Streets would result in 400+ trips per day. Landis Street clearly can’t handle this volume of two way traffic safely, as residents have documented in multiple testimonies.
8. Report Name: ARD Engineering: Tentative Plan - operational and Safety Analysis, page 104, paragraph 2: It is clear that West Linn has multiple street connection options available, so there is no necessity that Landis and Cornwall Streets have to be connected at this time or in the future.
9. Report Name: GeoPacific Engineering, page 116: This document states a change in the Geotechnical Engineer of Record/Company used, but it doesn’t mean the data generated by Carlson Geotechnical has been *validated* as accurate. This correspondence is only a notification of changing companies to do business with. It does not suffice for the very much needed in-depth analysis required to determine if 4096 Cornwall is buildable land. Secondly, this

report states: “we recommend updating the information regarding seismic design from the original report”. This confirms the data supplied to date requires reanalysis, so it’s apparent more work needs to be done. Third, stating “ it is our opinion that onsite infiltration is not feasible and in fact is more likely to increase runoff potential from Lots 2 through 6...”, so again, there are more problems to be resolved. This document is NOT a geotechnical report because many recommendations are made, but no data is presented nor are solutions offered. The last paragraph on page 116 also recommends updating the information regarding seismic design for the original report, but this has not been addressed by ICON. Lastly, a peer report review is just that: a review, without any testing, analysis and problem resolution completed. ICON has not responded to all the concerns and recommendations cited here.

7. Report Name: Carlson Geotechnical, page 122. **This report was written 1/7/2016, four and a half years ago. On page 141, the last sentence states: “This report is subject to review and should not be relied upon after a period of 3 years.” Therefore Carlson’s report is no longer valid. With the GeoPacific Engineering “letter” not being an in-depth report about this property, this means ICON’s application does NOT supply an in-depth geotechnical analysis of their property. This is THE MOST ESSENTIAL DOCUMENTATION REQUIRED when building on constrained lands to determine if the land is buildable. Nor is there any assurance that the plat map is ideally designed, taking into consideration geological hazards present.**

Summary of ICON’s Findings: The fact that this proposed development application lacks a current, in-depth, detailed Geotechnical report (#7 above) is unquestionably a major problem and a SIGNIFICANT reason for denying this application. It is highly disturbing that ICON wants to pursue

construction now, without this critical information available to them. This is a recipe for disaster! ICON not only ignored recommendations made by GeoPacific, but their lack of interest in wanting to understand the complexity and hazards on their property is *completely irresponsible*. Apparently Icon is more interested in making money than doing the right thing for their buyers, the surrounding subdivisions, and the City of West Linn. Thankfully the residents and Planning Commissioners ARE concerned about our community to pursue the truth, and do what is in the best interests for West Linn's future.